IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CRIMINAL DOCKET NO.: 3:01CR66

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) ORDER
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THIS MATTER is before the Court on Defendant's *pro se* Motion for Bail Pending Resentencing, filed June 15, 2006.

On May 30, 2003, a jury found Defendant guilty of conspiracy to possess with intent to distribute marijuana, in violation of 21 U.S.C. §§ 841, 846 (Count One), and conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956 (Count Two). On December 18, 2003, this Court sentenced Defendant to 121 months imprisonment on both Count One and Count Two, with the terms of imprisonment to run concurrently. On March 4, 2004, Defendant filed a Notice of Appeal. On May 17, 2006, the United States Court of Appeals for the Fourth Circuit affirmed the Defendant's conviction but remanded him for re-sentencing pursuant to *United States v. Collins*, 415 U.S. 304 (4th Cir. 2005). The Mandate issued on June 13, 2006.

In his *pro se* Motion, Defendant asks to be released on bond pending his re-sentencing by this Court. However, on July 20, 2006, Defendant was appointed Richard Brown, Esq. to represent him for purposes of re-sentencing. Since Defendant is now represented by counsel, the Court will not consider Defendant's *pro se* Motion. If defense counsel believes that Defendant's Motion has merit, he may refile such motion with the Court.

IT IS, THEREFORE, ORDERED that Defendant's *pro se* Motion for Bail Pending Resentencing is hereby **DENIED**.

Signed: July 31, 2006

Richard L. Voorhees United States District Judge